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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,793	10/12/2001	Andrew David Deller	ORCL-2000-156-01	2194

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EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/976,793	DELLER ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Schwartz fails to teach or suggest compiling business data into a binary form as claimed, and teaches away from the recited limitation. Schwartz discloses that SDD files can be directly rendered by an interface engine without further processing whereas Kaiser requires the data network, action resource provider and data storage in order to facilitate production and user interaction. Accordingly, combining Schwartz with Kaiser, renders the data network, action resource provider and the data storage of Kaiser redundant. As such, one skilled in the art would not be motivated to combine Schwartz and Kaiser. (page 12)

The Examiner disagrees. The portions of Schwartz cited by applicant, column 10, lines 6-8, deal with rendering at the client device, and have nothing to do with compilation. Further, applicants own claims require the compilation to occur prior to transmission to the display device, and are silent with regards to any compilation step at the client device. Rather a script is used to access the compiled business data. Further, both Schwartz and Kaiser utilize servers and networks to both store and transport the data to the user.

Schwartz uses a message processor within the server to compile the appropriate business data (HTML or XML data) into a corresponding binary file which is smaller in size and is compressed, compiled or converted and allows the client device to view web page data despite having a processor with minimal capabilities in order to cache, parse, process and display a markup language file(column 10, lines 3-35, 54-67). The examiner further notes that the claims require that the business data is processed according to the script. The Examiner further notes that Schwartz says that the above functionality **can** be preformed. The presence of the word "can" does not mean that the above step is required, it means that it is an optional, but not required function.

Applicant argues that they do not understand that configuring the compilation of the business data is to be the equalivent to or suggest using XML data as disclosed by Kaiser.

The Examiner reminds applicant that this limitation is met by the **combination** of Kaiser and Schwartz with Schwartz being relied upon to teach compilation of the business data. Rather Kaiser's teachings of the use of XML is relied upon to teach improving access speed of the business data as required by claim 3. XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML.

Further, the Examiner is puzzled in that applicant's statements directly contradict Schwartz's teachings that the message processors compiled data results in an interface engine demanding little computing resources in the client device, and that the client device does not need considerable computer power or memory to cache, parse, process and display a markup language file, in that the markup data is stripped, compressed, compiled or concerted prior to being parsed and displayed on a client device with low capabilities (column 10, lines 1-35, and 57-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser in view of U.S. Patent 6,473,609 to Schwartz and U.S. Patent 6,1733,17 B1 to Chaddha.

Regarding claim 1, Kaiser discloses a method for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

transmitting business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page), wherein said business data is processed according to said generated script (column 11, line 62-column 12, line 39, the information request is satisfied via a received HTML or XML page, or scripts); and

transmitting a stream comprising the business data and the script to a receiver for generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data, transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

The combination of Kaiser and Schwartz fails to teach transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Chaddha discloses transmitting a single stream with both the business data and script are transmitted and handled by a plugin960 within a browser (figures 10a/b column 8, lines 3-column 9, line 62, the scripts may be active X or visual basic and the annotation streams include the java ticker applets which the examiner equates to business data, column 6, lines 36-51), the scripts are processed without any user input (column 8, lines 3-20) and are time stamped (figure 8a) to synchronize the video and data for display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Kaiser and Schwartz to utilize the single stream format, scripts and script processing functionality as taught by Chaddha for the advantage of synchronizing the display of both the video and data as intended by the application author.

Regarding claims 2, 11, 12, 15, and 23, Kaiser discloses that the business data is compatible with a version of XML (column 5, lines 59-64).

Regarding claim 3 and 16, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently teaches improving the access speed to the business data as XML is validated on the server side prior to transmission to the client device, thus the browser on the client side accesses the data more quickly as it needs not validate the content nor does it need to convert the XML to displayable HTML.

Schwartz is relied upon to teach the use of compiled XML and HTML.

Regarding claim 4 and 17, Kaiser discloses that the business data may be XML (column 5, lines 59-64). Kaiser inherently reduces the size of the business data as XML auto formats the display of the content, one set of content can be displayed multiple ways with the content and the structure being independent from one another. In particular, in figures 6c and 6d, Kaiser shows a set of XML content 6400, which is formatted in two different ways.

Regarding claim 5, Kaiser discloses that the receiver may be a STB (column 5, line 41).

Regarding claims 6, 10, and 22, Kaiser discloses that the receiver may be a computer or WebTV (column 7, lines 37-50), in communication with a computer network or internet (column 5, lines 45-54).

Kaiser fails to disclose if the business data is transmitted to the receiver using a modem.

The examiner takes official notice that the use of a modem to transmit data to a receiver is notoriously well known in the art. Modems provide a low cost hardware interface to a network.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize a modem to transmit business data to the receiver, for the advantage of providing a low cost hardware interface to a network.

Regarding claim 7, Kaiser discloses a method for receiving interactive television information and providing interactive television to user , comprising:

Receiving a stream comprising a script (CGI scripts, HTML pages, XML pages, servlets, client side scripts, applets, active controls, column 8, lines 55-65) and business compiled in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

Processing said business data in binary form according to said script (column 8, lines 55-65, column 10, lines 1-8),

Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data or transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

The combination of Kaiser and Schwartz fails to teach transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Chaddha discloses transmitting a single stream with both the business data and script are transmitted and handled by a plugin960 within a browser (figures 10a/b column 8, lines 3-column 9, line 62, the scripts may be active X or visual basic and the annotation streams include the java ticker applets which the examiner equates to business data, column 6, lines 36-51), the scripts are processed without any user input (column 8, lines 3-20) and are time stamped (figure 8a) to synchronize the video and data for display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Kaiser and Schwartz to utilize the single stream format, scripts and script processing functionality as taught by Chaddha for the advantage of synchronizing the display of both the video and data as intended by the application author.

Regarding claim 8, Kaiser discloses processing a request within the scrip to map a 2d array of business data into a 2da array location within the authored page template (figure 6c, column 10, line 51-column 11, line 3).

Regarding claim 9, Kaiser discloses processing a request within the script to construct a message containing business data, based on user action (column 8, line 44-64, column 9, lines 48-53, column 10, line 51-64 column 12, lines 29-48, a user requests for information on a product or to purchase a product); and

Transmitting the selection to a transaction server (column 9, lines 46-56), the transaction server implementing a transaction in accordance with the user action (column 9, lines 46-65, column 12, lines 29-54).

Regarding claims 13, 18, 19, and 24, Kaiser discloses that the data and script may be transmitted via a broadcast network (column 5, lines 33-49).

Regarding claim 14, Kaiser discloses a system for transmitting interactive television information over a television broadcast (column 5, lines 33-49, video and data may be transmitted via broadcast), comprising:

A server 1500 having a processor coupled to a memory 1600 (figure 1, the server inherently includes a processor as a processor is required to handle requests, transmit data and access databases), the memory having computer readable code which when executed by the processor to perform a method (column 5, line 55-column 6, line 8) comprising:

utilizing business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

generating a script using a script authoring tool (column 11, line 62-column 12, line 5, figure 5, scripts are generated and transmitted to a user so that a user may request information or purchase a product, Kaiser inherently includes an authoring tool, as an authoring tool is required for a programmer to design a script which is utilized to load or run an XML page, wherein said business data is processed according to said generated script (column 11, line 62-column 12, line 39, the information request is satisfied via a received HTML or XML page, or scripts); and

transmitting a stream comprising said business data and the script to a receiver for generating video information for a user's television (column 7, lines 37-50, WebTV or STB with TV), wherein the receiver uses the script to access the compiled business

data and generate a presentation of the products for the user (column 8, line 29-column 10, line 8, figure 6a).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data or transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

The combination of Kaiser and Schwartz fails to teach transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Chaddha discloses transmitting a single stream with both the business data and script are transmitted and handled by a plugin960 within a browser (figures 10a/b column 8, lines 3-column 9, line 62, the scripts may be active X or visual basic and the annotation streams include the java ticker applets which the examiner equates to business data, column 6, lines 36-51), the scripts are processed without any user input

(column 8, lines 3-20) and are time stamped (figure 8a) to synchronize the video and data for display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Kaiser and Schwartz to utilize the single stream format, scripts and script processing functionality as taught by Chaddha for the advantage of synchronizing the display of both the video and data as intended by the application author.

Regarding claim 20, Kaiser discloses a system (figure 1) for receiving interactive television information and providing interactive television to user , comprising:

A receiver 1300 having a processor coupled to memory (column 7, lines 37-50, a general PC or WebTV, both of which contain processors coupled to memory), the memory having computer readable code which when executed by the processor causes the receiver to perform a method comprising:

Processing requests within a script to download business data (figures 5, 6a column 9, lines 32-46, column 10, lines 1-8),

Receiving a stream comprising a script (CGI scripts, HTML pages, XML pages, servlets, client side scripts, applets, active controls, column 8, lines 55-65) and business data in a binary form (stored HTML, XML, or SGML pages column 5, lines 59-63, column 6, lines 14-19), the business data comprising descriptions of products (column 10, lines 1-8, figure 6a);

Processing said business data in binary form according to said script (column 5, lines 57-67),

Processing requests within the script to map an item of the business data into a position within an authored page template (column 9, line 44-column 10, line 7), wherein a video presentation of the business data is presented to the user (figure 6c, column 11, line 62-column 12, line 54).

While Kaiser transmits the business data in a format accessible via an STB or WEBTV, Kaiser is silent with regards to compiling business data, or transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Schwartz teaches compiling received HTML or XML data into a version appropriate for use on a low powered processor (column 10, lines 3-35, 54-67), thus enabling the use of a low cost device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kaiser to utilize the compiler of Schwartz to compile the HTML or XML business data into a version appropriate for use on a low powered processor in order to reduce costs.

The combination of Kaiser and Schwartz fails to teach transmitting a stream with both the business data and the script, and that the business data is processed independent from a further user interaction.

Chaddha discloses transmitting a single stream with both the business data and script are transmitted and handled by a plugin960 within a browser (figures 10a/b

column 8, lines 3-column 9, line 62, the scripts may be active X or visual basic and the annotation streams include the java ticker applets which the examiner equates to business data, column 6, lines 36-51), the scripts are processed without any user input (column 8, lines 3-20) and are time stamped (figure 8a) to synchronize the video and data for display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Kaiser and Schwartz to utilize the single stream format, scripts and script processing functionality as taught by Chaddha for the advantage of synchronizing the display of both the video and data as intended by the application author.

Regarding claim 21, Kaiser discloses receiving a selection of one of the product descriptions from the user (column 8, lines 44-56, column 9, lines 44-61, column 12, lines 29-42), transmitting the selection to a transaction server (column 12, lines 55-65), the transaction server for implementing a transaction in accordance with the selection (column 12, lines 55-65).

Regarding claim 25, see claim 8.

Regarding claim 26, see claim 9.

Regarding claim 27, Kaiser discloses downloading content in response to a user interacting with a presentation of products (column 11, line 62-column 12, line 5).

Regarding claim 28, the combination of Kaiser, Schwartz and Chaddha discloses displaying additional information related to a video program.

The combination of Kaiser, Schwartz and Chaddha fails to teach transmitting the updated business data by recompiling the business data into the television broadcast, eliminating the need to generate the script.

The examiner takes official notice that transmitting updated in band data is notoriously well known in the art. For example updated sports scores, stocks and news information transmitted within a data channel may be access by an electronic program guide, browser or other application to display the updated information to the user without downloading the entire application again.

Therefore, it would have been obvious to one of ordinary skill in the art to download updated business data, such as sports scores, stocks, news information and the like, for the advantages of providing the most up to date information to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hunter B. Lonsberry
Primary Examiner
Art Unit 2623

HBL